

CEQA Public Scoping Meeting  
Stream, Wetland and Waterbody  
Amendment to the San Francisco  
Bay Basin Plan

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*Regional Water Quality Control Board*  
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# A little history:

- Latest Basin Plan Triennial Review
- Most common comments:
  - Waterbody list incomplete, some waterbodies in wrong watersheds
  - Beneficial Uses inaccurate
    - » e.g., existing steelhead runs or water contact recreation
  - Adopt stream protection policy
    - » e.g., for setbacks to protect beneficial uses





San Pedro Cr., San Mateo Co.  
Existing water contact use

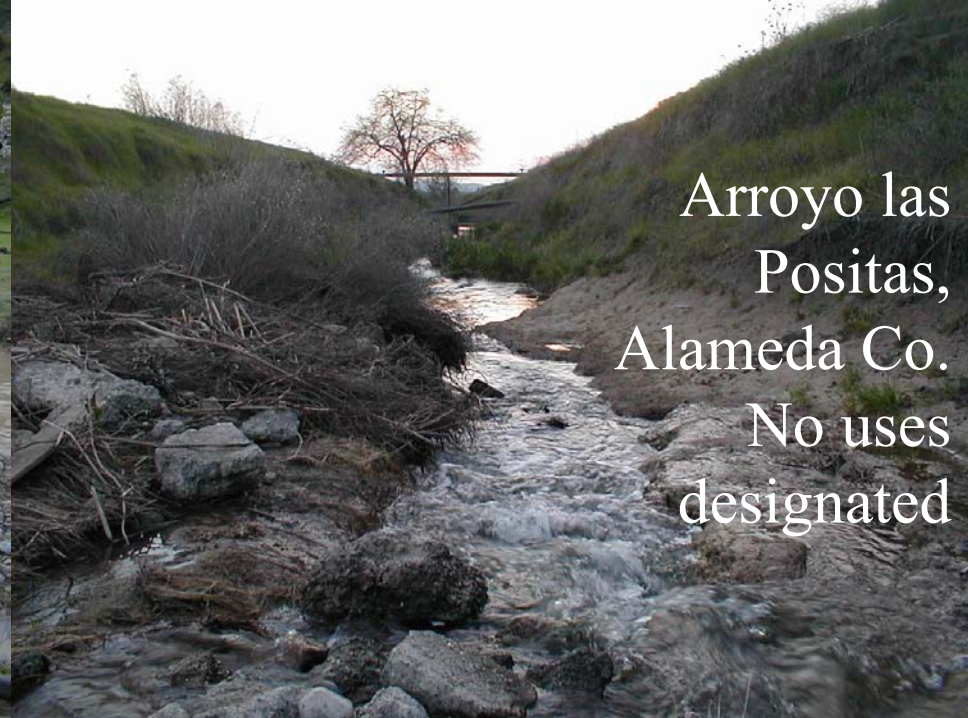
designated as “potential”



San Geronimo Cr.,  
Marin Co. Not in  
Basin Plan; coho  
documented



Wooden Valley Cr., Napa Co.  
No uses designated; steelhead  
documented



Arroyo las  
Positas,  
Alameda Co.  
No uses  
designated



# What is a CEQA Public Scoping Meeting?

- Early Input: “Kick-off”
- “To discuss the proper scope and content of the [staff report, amendment language, and CEQA checklist].”
- Staff introduces the proposed scope of the amendment and supporting documentation
- Next step: draft staff report and amendments for peer review
- Then:
  - Circulate for 45-day public comment period
  - Staff response to comments, Regional Board Adoption

# Purpose of the Meeting

- Present the Proposed Scope of Basin Plan Amendments
  - Stream Protection Program
  - Waterbody and Beneficial Uses List
  - Descriptive Language Updates (Wetlands, Watershed)
- Solicit Public Input on the Proposed Scope of the Amendments
  - Not the Actual Amendment Language (That's Later)
  - How we may justify Basin Plan changes (info. sources)
  - Local information that we could potentially overlook

# Staff Presentations

- Basin Plan Process – Steve Moore
- Overview of Proposed Amendments – Steve Moore
- Stream Protection Program – A.L. Riley
- Watershed and Waterbody Mapping – Jeff Kapellas
- Designating Uses – Steve Moore
- Public Comments

# Basin Plan

- Governing Regulatory and Planning Document for State and Federal Clean Water Programs
- Defines State Waters, Beneficial Uses, Numeric and Narrative Water Quality Objectives, and Program of Implementation to Protect Uses and Attain Objectives.
- “Policy catches up to Practice”
- [www.swrcb.ca.gov/rwqcb2/basinplan.htm](http://www.swrcb.ca.gov/rwqcb2/basinplan.htm)

# Basin Plan Process—Step 1

- Scoping Meeting for Basin Plan Amendments (new req't – Jan. 2002)
- Purpose: Discuss the Proper Scope and Content of the Functional Equivalent Document (FED) to be prepared to support the Proposed Amendments
  - Scope of “Project”
  - Environmental Impacts
  - Alternatives to the “Project”



# Basin Plan Process—Step 2

- Regional Board staff report (FED - Summer 2003):
  - Amendment language
  - Report describing rationale and need for proposed changes
  - Explanation of required analysis and considerations
    - » Criteria for designating uses
  - CEQA analysis (Environmental Checklist)
  - State Board-led Peer Review

# Basin Plan Process—Step 3

- Public Review and Comment (45-day)
- Response to Comments
- Public Hearing
- Regional Board Adoption

# Basin Plan Process—Step 4+

- State Board staff review for consistency with statewide policy and plans
- State Board hearing and approval
- Office of Administrative Law review for compliance with administrative procedures and approval
- US EPA review and approval for consistency with federal regulations

# Stream Wetland and Waterbody Amendments

## (1) Stream Protection Program

- 2 New Beneficial Uses (Originated in Tahoe Basin)
  - Physical features of waterbodies that contribute to water quality improvement
- 5 New Water Quality Objectives or Discharge Prohibitions based on stream functions



# Stream Wetland and Waterbody Amendments

## (1) Stream Protection Program (cont.)

### ■ Program of Implementation

- 401 Water Quality Certifications
- Waste Discharge Requirements
- NPDES Municipal Stormwater
- Prop 13/40/50, 319h and 205j Grants
- Discharge Prohibitions? (alternative to narrative water quality objectives)

# Stream Wetland and Waterbody Amendments

## (2) Update the Waterbody and Beneficial Use List

- Corrections
- Expand List to include Streams, Sloughs
- Coordinate Watershed Boundaries with CalWater and Local Mapping
- Designate Uses based on Available Information
- No De-Designations Proposed
  - » Use Attainability Analysis Requirement

# Stream Wetland and Waterbody Amendments

## (3) Update 1995 Descriptive Language

- Watershed Management Program: link to Watershed Management Initiative (WMI) Chapter
- Wetland Protection and Management

# Stream Wetland and Waterbody Amendments

## (4) Update 1995 Descriptive Language

- Where Beneficial Uses exist in waterbodies and factors the Regional Board considers in regulatory actions
  - » Tributary “rule”
    - Streams
    - Embayments
  - » Beneficial Uses presumed to exist throughout a waterbody, but not always the case



# Stream Wetland and Waterbody Amendments

- (5) Modify Fish Consumption Use (COMM) to include freshwaters in the region
  - Statewide consistency
  - Reservoirs, ponds, and streams
    - » Licensed Fishing Locations

# DESIGNATING BENEFICIAL USES



# DESIGNATING BENEFICIAL USES

- Use is “Existing” if it has occurred after November 28, 1975
  - Staff will propose to designate the use
- If the Use existed prior to 11/28/75, but there is no evidence that it existed after that date, then it is “Potential”
  - E.g., extensively channelized or dammed streams

# DESIGNATING BENEFICIAL USES

- Designations are based on the definitions of beneficial uses (Chapter 2, Basin Plan)
- Preliminary criteria for designating uses have been drafted and circulated among some interested parties (no comments received so far)
- Basin Plan provides some direction
  - Certain waterbody types have certain suite of uses



# DESIGNATING BENEFICIAL USES – Examples

- All Waterbodies:
  - Non-contact Water Recreation (REC2)
  - Wildlife Habitat (WILD)
- All Streams:
  - Default of Warm Freshwater Habitat (WARM)
    - » Existing Regional Surveys support this Policy Approach
  - Some Upper Watersheds - Cold Freshwater Habitat (COLD)
- COLD, WARM and EST assemblages of fish based on *Inland Fisheries of California* (Moyle, 2002)

# DESIGNATING BENEFICIAL USES – Examples

- Water Contact Recreation (REC1)
  - Definition includes wading
  - Public access-defined
- Tidal Waterbodies
  - Sloughs and harbors of estuary support same suite of uses as San Francisco Bay Segments
    - » Exceptions: NAV, IND
    - » Sources of Info.: Regional Monitoring Program Benthic Surveys, CDFG Fishing Surveys, Commercial Shrimpers, Cargill Pond discharge application, Leidy fish surveys

# DESIGNATING BENEFICIAL USES – Examples

- Preservation of Rare and Endangered Species (RARE)
  - Documented Steelhead or Coho populations
  - California Natural Diversity Database
- Groundwater Recharge (GWR) and Fresh Water Replenishment (FRSH)
  - Coordinate with Water Suppliers

# DESIGNATING BENEFICIAL USES – Examples

## PROPOSED BENEFICIAL USES

- Water Quality Enhancement (WQE)
  - Streams, Lakes, Coastal Lagoons, Tidal Sloughs and Wetlands, Estuaries
- Flood Peak Attenuation/Flood Water Storage (FLD)
  - Streams, Lakes, Reservoirs, Coastal Lagoons, Tidal Sloughs and Wetlands





*The End*

Golden Gate  
Channel

No Uses Designated

Lobos Creek – Not Listed in Basin Plan